



Supreme Court of California  
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**NEWS RELEASE**

Contact: [Cathal Conneely](mailto:Cathal.Conneely@courts.ca.gov), 415-865-7740

**FOR IMMEDIATE RELEASE**

April 22, 2016

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## Summary of Cases Accepted and Related Actions During Week of April 18, 2016

*[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]*

**#16-119 *People v. Alonzo*, S232877.** (B248995; nonpublished opinion; Los Angeles County Superior Court; BA321933.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Franklin*, S217699 (#14-56), which includes the following issues: (1) Is a total term of imprisonment of 50 years to life for murder committed by a 16-year-old offender the functional equivalent of life without possibility of parole by denying the offender a meaningful opportunity for release on parole? (2) If so, does the sentence violate the Eighth Amendment absent consideration of the mitigating factors for juvenile offenders set forth in *Miller v. Alabama* (2012) 567 U.S. \_\_ [132 S.Ct. 2455]? (3) Did Senate Bill 260 (Reg. Sess. 2013-2014), which includes provisions for a parole suitability hearing after a maximum of 25 years for most juvenile offenders serving life sentences, render moot any claim that such a sentence violates the Eighth Amendment?

**#16-120 *People v. Espinoza*, S232521.** (B262094; nonpublished opinion; Ventura County Superior Court; CR40341.) Petition for review after the Court of Appeal affirmed an order granting a petition to recall sentence. The court ordered briefing deferred pending decision in *People v. Morales*, S228030 (#15-156), which presents the following issue: Can excess custody credits be used to reduce or eliminate the one-year parole period required by Penal Code section 1170.18, subdivision (d), upon resentencing under Proposition 47?

**#16-121 *In re J.B.*, S232895.** (F072070, F073131; nonpublished opinion; Stanislaus County Superior Court; 516917.) Petition for review after the Court of Appeal affirmed an order terminating parental rights. The court ordered briefing deferred pending decision in *In re Isaiah W.*, S221263 (#14-123), which presents the following issue:

Does a parent's failure to appeal from a juvenile court order finding that notice under the Indian Child Welfare Act was unnecessary preclude the parent from subsequently challenging that finding more than a year later in the course of appealing an order terminating parental rights?

**#16-122 *In re Larson*, S232839.** (D068273; nonpublished opinion; San Diego County Superior Court; SCD240603.) Petition for review after the Court of Appeal denied a petition for writ of habeas corpus.

**#16-123 *People v. Papenhausen*, S233021.** (C078640; nonpublished opinion; Plumas County Superior Court; CRF1101081.) Petition for review after the Court of Appeal affirmed an order granting a petition to recall sentence.

The court ordered briefing in *Larson* and *Papenhausen* deferred pending decision in *People v. Valenzuela*, S232900 (#16-97), which presents the following issue: Is a defendant eligible for resentencing on the penalty enhancement for serving a prior prison term on a felony conviction after the superior court has reclassified the underlying felony as a misdemeanor under the provisions of Proposition 47?

**#16-124 *People v. Nichols*, S233055.** (H041979; 244 Cal.App.4th 681; Santa Clara County Superior Court; C1114331.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence. The court ordered briefing deferred pending decision in *People v. Romanowski*, S231405 (#16-24), which present the following issue: Does Proposition 47 ("the Safe Neighborhoods and Schools Act"), which reclassifies as a misdemeanor any grand theft involving property valued at \$950 or less (Pen. Code, § 490.2), apply to theft of access card information in violation of Penal Code section 484e, subdivision (d)?

**#16-125 *People v. Pineda*, S232617.** (D067731; nonpublished opinion; San Diego County Superior Court; SCS272772.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Castillolopez*, S218861 (#14-89), which presents the following issue: Was defendant's possession of a concealed and opened pocketknife with the blade in its fully extended position sufficient to sustain his conviction for carrying a concealed dirk or dagger in violation of Penal Code section 21310?

**#16-126 *People v. Toscano*, S231985.** (A137606; nonpublished opinion; Alameda County Superior Court; 166269.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Sanchez*, S216681 (#14-47), which presents the following issue:

Was defendant's Sixth Amendment right to confrontation violated by the gang expert's reliance on testimonial hearsay (*Crawford v. Washington* (2004) 541 U.S. 36)?

## DISPOSITION

The following case was ordered dismissed and abated due to the death of the defendant:

**#13-38 *People v. Ikeda*, S209192.**

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*The Supreme Court of California is the state's highest court and its decisions are binding on all other California state courts. The court's primary role is to decide matters of statewide importance and to maintain uniformity in the law throughout California by reviewing matters from the six districts of the California Courts of Appeal and the fifty-eight county superior courts (the trial courts). Among its other duties, the court also decides all capital appeals and related matters and reviews both attorney and judicial disciplinary matters.*